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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

Case No. 3:23-md-03084-CRB

**DECLARATION OF KYLE SMITH
IN SUPPORT OF DEFENDANTS' MOTION
TO DISMISS LEVIN SIMES CASES FOR
FAILURE TO COMPLY WITH DISCOVERY
ORDERS**

This Document Relates to:

*Jane Doe LS 293 v. Uber Technologies,
Inc., et al.*, No. 3:23-cv-04364-CRB

*Jane Doe LS 231 v. Uber Technologies,
Inc., et al.*, No. 3:23-cv-04367-CRB

*Jane Doe LS 144 v. Uber Technologies,
Inc., et al.*, No. 3:23-cv-04388-CRB

*Jane Doe LS 112 v. Uber Technologies,
Inc., et al.*, No. 3:23-cv-05286-CRB

Judge: Hon. Charles R. Breyer
Courtroom: 6 – 17th Floor

1 *Jane Doe LS 284 v. Uber Technologies,*
2 *Inc., et al., No. 3:23-cv-05363-CRB*

3 *Jane Doe LS 126 v. Uber Technologies,*
4 *Inc., et al., No. 3:23-cv-05370-CRB*

5 *Jane Doe LS 265 v. Uber Technologies,*
6 *Inc., et al., No. 3:23-cv-05377-CRB*

7 *Jane Doe LS 200 v. Uber Technologies,*
8 *Inc., et al., No. 3:23-cv-05387-CRB*

9 *Jane Doe LS 66 v. Uber Technologies,*
10 *Inc., et al., No. 3:23-cv-05414-CRB*

11 *Jane Doe LS 317 v. Uber Technologies,*
12 *Inc., et al., No. 3:23-cv-05424-CRB*

13 *Jane Doe LS 234 v. Uber Technologies,*
14 *Inc., et al., No. 3:23-cv-05433-CRB*

15 *Jane Doe LS 191 v. Uber Technologies,*
16 *Inc., et al., No. 3:23-cv-05573-CRB*

17 *Jane Doe LS 273 v. Uber Technologies,*
18 *Inc., et al., No. 3:23-cv-05946-CRB*

19 *Jane Doe LS 470 v. Uber Technologies,*
20 *Inc., et al., No. 3:24-cv-05207-CRB*

21 *Jane Doe LS 232 v. Uber Technologies,*
22 *Inc., et al., No. 3:24-cv-05327-CRB*

23 *Jane Doe LS 373 v. Uber Technologies,*
24 *Inc., et al., No. 3:24-cv-05328-CRB*

25 *Jane Doe LS 462 v. Uber Technologies,*
26 *Inc., et al., No. 3:24-cv-05329-CRB*

27 *Jane Doe LS 226 v. Uber Technologies,*
28 *Inc., et al., No. 3:24-cv-05330-CRB*

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Inc., et al., No. 3:24-cv-05335-CRB

1 *Jane Doe LS 305 v. Uber Technologies,*
2 *Inc., et al., No. 3:24-cv-05338-CRB*

3 *Jane Doe LS 201 v. Uber Technologies,*
4 *Inc., et al., No. 3:24-cv-05354-CRB*

5 *Jane Doe LS 189 v. Uber Technologies,*
6 *Inc., et al., No. 3:24-cv-05379-CRB*

7 *Jane Doe LS 272 v. Uber Technologies,*
8 *Inc., et al., No. 3:24-cv-05390-CRB*

9 *Jane Doe LS 199 v. Uber Technologies,*
10 *Inc., et al., No. 3:24-cv-05402-CRB*

11 *Jane Doe LS 279 v. Uber Technologies,*
12 *Inc., et al., No. 3:24-cv-05420-CRB*

13 *Jane Doe LS 139 v. Uber Technologies,*
14 *Inc., et al., No. 3:24-cv-05527-CRB*

15 *Jane Doe LS 487 v. Uber Technologies,*
16 *Inc., et al., No. 3:24-cv-05611-CRB*

17 *Jane Doe LS 141 v. Uber Technologies,*
18 *Inc., et al., No. 3:24-cv-05634-CRB*

19 *Jane Doe LS 423 v. Uber Technologies,*
20 *Inc., et al., No. 3:24-cv-05676-CRB*

21 *Jane Doe LS 491 v. Uber Technologies,*
22 *Inc., et al., No. 3:24-cv-05678-CRB*

23 *Jane Doe LS 441 v. Uber Technologies,*
24 *Inc., et al., No. 3:24-cv-05751-CRB*

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26 *Inc., et al., No. 3:24-cv-05761-CRB*

27 *Jane Doe LS 319 v. Uber Technologies,*
28 *Inc., et al., No. 3:24-cv-05800-CRB*

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1 *Jane Doe LS 359 v. Uber Technologies,*
2 *Inc., et al., No. 3:24-cv-05908-CRB*

3 *Jane Doe LS 342 v. Uber Technologies,*
4 *Inc., et al., No. 3:24-cv-05913-CRB*

5 *Jane Doe LS 304 v. Uber Technologies,*
6 *Inc., et al., No. 3:24-cv-05914-CRB*

7 *Jane Doe LS 369 v. Uber Technologies,*
8 *Inc., et al., No. 3:24-cv-05915-CRB*

9 *Jane Doe LS 269 v. Uber Technologies,*
10 *Inc., et al., No. 3:24-cv-05922-CRB*

11 *Jane Doe LS 93 v. Uber Technologies,*
12 *Inc., et al., No. 3:24-cv-05925-CRB*

13 *Jane Doe LS 7 v. Uber Technologies,*
14 *Inc., et al., No. 3:24-cv-05926-CRB*

15 *Jane Doe LS 504 v. Uber Technologies,*
16 *Inc., et al., No. 3:24-cv-05928-CRB*

17 *Jane Doe LS 180 v. Uber Technologies,*
18 *Inc., et al., No. 3:24-cv-05936-CRB*

19 *Jane Doe LS 119 v. Uber Technologies,*
20 *Inc., et al., No. 3:24-cv-05937-CRB*

21 *Jane Doe LS 197 v. Uber Technologies,*
22 *Inc., et al., No. 3:24-cv-06003-CRB*

23 *Jane Doe LS 314 v. Uber Technologies,*
24 *Inc., et al., No. 3:24-cv-06016-CRB*

25 *Jane Doe LS 188 v. Uber Technologies,*
26 *Inc., et al., No. 3:24-cv-06022-CRB*

27 *Jane Doe LS 230 v. Uber Technologies,*
28 *Inc., et al., No. 3:24-cv-06026-CRB*

Jane Doe LS 209 v. Uber Technologies,
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Jane Doe LS 532 v. Uber Technologies,
Inc., et al., No. 3:24-cv-06927-CRB

Jane Doe LS 534 v. Uber Technologies,
Inc., et al., No. 3:24-cv-07142-CRB

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8 RASIER, LLC, and RASIER-CA, LLC
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DECLARATION OF KYLE SMITH

I, Kyle Smith, declare pursuant to 28 U.S.C. § 1746:

1. I am over the age of 18 and am a resident of Arlington, Virginia. I respectfully submit this declaration in support of Defendants Uber Technologies, Inc.'s, Rasier, LLC's, and Rasier-CA, LLC's (collectively, "Uber's") motion to dismiss the cases of certain Plaintiffs represented by Levin Simes LLP ("Levin Simes") for noncompliance with discovery orders.

2. I am a partner at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, representing Uber in this MDL as well as in Judicial Council Coordination Proceeding No. 5188, *In Re: Uber Rideshare Cases*, Case No. CJC-21-005188 (the "JCCP"). I am a member in good standing of the Bar of the District of Columbia Court of Appeals and the Bar of the State of New York Court of Appeals, Third Department. I make this declaration based upon matters within my own personal knowledge. If called as a witness, I could and would competently testify to the matters set forth herein.

3. Attached to this declaration as **Exhibit A** is a table identifying 57 Plaintiffs represented by Levin Simes who, as of the date of this submission, have failed to submit a Plaintiff Fact Sheet ("PFS"). The Plaintiffs' deadlines for providing a PFS are identified in the table. 55 of the 57 Plaintiffs were subject to a stipulation extending Plaintiffs' deadlines for providing complete and verified Plaintiff Fact Sheets. Stipulation & [Proposed] Order Regarding Certain Fact Sheet Deadlines at 4, ECF No. 1819. The Court adopted this stipulation on November 8, 2024. Stipulation & Order Regarding Certain Fact Sheet Deadlines at 7, ECF No. 1856.

4. Attached to this declaration as **Exhibit B** is a true and correct copy of a letter Uber sent Levin Simes on November 20, 2024 identifying Plaintiffs represented by that firm who had missed their deadline for submitting a PFS. Each of the Plaintiffs identified in Exhibit A is listed in the November 20, 2024 letter.

5. On December 19, 2024, Judge Cisneros ordered the Levin Simes Plaintiffs identified in an exhibit to the Declaration of Kyle Smith, ECF No. 1998-2, to provide overdue fact sheets no later than January 10, 2025. Each of the Plaintiffs listed in Exhibit A attached to this

1 declaration was listed in the exhibit submitted as part of that dispute and was subject to Judge
2 Cisneros's December 19, 2024 Order.

3 6. Uber and Levin Simes met and conferred about this motion on January 21, 2025
4 via videoconference. The parties were unable to resolve the dispute presented in the motion.

5 I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct.

7 Executed on February 18, 2025 in Washington DC.

8
9 /s/ Kyle Smith

10 Kyle Smith
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